

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND)
COMPOUNDING PHARMACY, INC.)
PRODUCTS LIABILITY LITIGATION)

MDL No. 2419
Master Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:)
All Actions)

**RESPONSE OF DR. O'CONNELL'S PAIN CARE CENTERS AND DR. O'CONNELL'S
PAIN CARE CENTERS, INC., PURSUANT TO SEPTEMBER 26, 2013 SCHEDULING
ORDER**

Non-parties Dr. O'Connell's Pain Care Centers and Dr. O'Connell's Pain Care Centers, Inc. (collectively "PainCare"), by and through counsel, Shaheen & Gordon, P.A., hereby submits the following Response in connection with the September 26, 2013 Scheduling Order of Magistrate Judge Boal:

1. PainCare maintains its objections asserted in its Objections and Motion to Quash Subpoena, filed July 16, 2013 [Dkt. No. 311], and as reflected in the Joint Chart submitted to the Court on or about October 16, 2013 [Dkt. No. 514] and to the extent necessary, incorporates the same with regard to the Revised Subpoena Exhibit filed by the Plaintiffs' Steering Committee [Dkt. No. 464].

2. By email correspondence sent by Counsel for PainCare to the PSC on October 8, 2013, PainCare enumerated a list of objections to be marked on the Joint Chart submitted to the Court. However, three of the objections that PainCare enumerated in its email were not marked on the Joint Chart, and the Joint Chart should therefore be amended to include the following additional objections by PainCare:

- Item B. The time periods for which documents are requested are unreasonable.
- Item D. Many of the documents sought by the subpoena are more appropriately sought from NECC, thus reducing the burden and expense on the clinics.
- Item Q. The PSC's subpoenas are thinly-veiled attempts to identify new clients.

Respectfully submitted,

Dr. O'Connell's Pain Care Centers
Dr. O'Connell's Pain Care Centers, Inc.
By Its Attorneys:

Dated: October 23, 2013

/s/ Benjamin T. Siracusa Hillman
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing RESPONSE was filed electronically and that this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

Dated: October 23, 2013

/s/ Benjamin T. Siracusa Hillman

Benjamin T. Siracusa Hillman

B.B.O. No.: 672597